

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Office Action mailed on May 23, 2008. Applicants respectfully traverse all objections and rejections made by the Examiner. With this amendment, claims 1-2, 4, 8-9, 16-18, 20, 25-26, and 28 are amended, and claims 27, and 29-32 have been canceled. Claims 1-26, 28, and 33 remain pending. Claims 34-46 remain withdrawn. No new matter has been added.

Allowable Subject Matter

The Applicants respectfully thank the Examiner for indicating that claims 2, 4, 10, 12, 18, 20, 26, 28, and 33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 4, 18, 20, 26, and 28 have been so rewritten in independent form including all of the limitations of the base claim and any intervening claims, and as such are now in condition for allowance.

Claim 33, while not rewritten in independent form, depends from rewritten independent claim 28, and as such is also in condition for allowance.

Allowable claims 10 and 12 have also not been rewritten in independent form, and remain dependent upon independent claim 9, which is now also believed to be allowable, as discussed below.

Claim Rejection(s) under 35 U.S.C §102

Claims 1, 3, 5-7, 9, 11, 13-15, 17, 19, 21-23, 25, 27 and 29-31 were rejected under 35 U.S.C. 102(b) as being anticipated by Tartacower et al. (US 5,606, 981). Claims 27, and 29-32 have been canceled, rendering rejection of these claims moot. The rejection of the remainder of these claims, however, is respectfully traversed.

Independent claim 1, as amended, recites "at least some of the discrete affixation points are spaced from the proximal and distal ends of the tube". Tartacower does not appear to teach or suggest such a configuration.

The Examiner referred to elements 82 and 84 in Tartacower as the location of affixation points. Specifically, Tartacower teaches:

The sleeve 81 is attached to the guidewire only at its proximal and distal ends 82 and 84 (each preferably within the range of 0.5-2cm in length) by heat shrinking the sleeve only at those ends. Only the ends 82 and 84 of the sleeve 81 are respectively heat shrunk about the tightly wound coils of the proximal 55 and distal 54 regions immediately adjacent the window section 57. (see col. 9, ln. 53-60, and FIG 5, (emphasis added)).

Tartacower also teaches:

Also, as in the fourth embodiment, by heat shrinking the sleeve only at its ends, the outer contour of the coils is prevented from projecting through the sleeve, and the sleeve insulates the loosely wound coils from the inner arterial wall, preventing them from substantial relative movement. (see col.10, ln. 52-56 (emphasis added)).

As such, Tartacower appears to teach that the sleeve is attached only at its ends, and appears to teach away from at least some discrete affixation points that are spaced from the proximal and distal ends of the tube. As such, Applicants respectfully submit that for at least this reason, independent claim 1, and dependent claims 3, 5-8, are allowable over Tartacower.

Independent claim 9, as amended, now recites a plurality of discrete affixation points, each of the affixation points disposed about only a portion of the outer perimeter of the helically wound coil and along a portion of the coil length. Applicants respectfully submit that Tartacower does not teach or suggest such a construction.

In the embodiment cited by the Examiner, Tartacower teaches heat shrinking the sleeve 81 only at its ends such that “[o]nly the ends 82 and 84 of the sleeve 81 are respectively heat shrunk about the tightly wound coils of the proximal 55 and distal 54 regions immediately adjacent the window section 57”. (see col. 9, ln 53-60; and FIG 5. (emphasis added)). As can be appreciated, heat shrinking the sleeve about the ends would occur radially about the entire perimeter of the coil, and would not result in “affixation points disposed about only a portion of the outer perimeter of the helically wound coil”, as in claim 9. As such, Applicants respectfully submit that for at least this reason, independent claim 9, and dependent claims 10-16, are allowable over Tartacower.

Independent claim 17, as amended, recites "five or more discrete affixation points disposed along the coil length". Tartacower does not appear to teach or suggest such a configuration. As such, Applicants respectfully submit that independent claim 17, and dependent claims 19, and 21-24, are in condition for allowance.

It is also noted that claim 25, which was originally independent, has been amended to be dependent upon independent claim 17, and as such, is allowable that for at least this reason as well.

Claim Rejection(s) under 35 U.S.C §103(a)

Claims 8, 16, 24, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tartacower et al. (US 5,606,981) This rejection is respectfully traversed. Claim 32 is now canceled, rendering its rejection moot. Regarding claims 8, 16, and 24, these claims are dependent upon independent claims 1, 9, and 17, respectively, and as such, are allowable over Tartacower for at least the reasons set forth above regarding these independent claims. Withdrawal of the rejections is respectfully requested.

CONCLUSION

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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